



Dignity at Work (Anti-Harassment, Victimisation and Bullying) Policy

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Equality Impact Assessment

Quality Impact Assessment

1. Aims and Objectives

- 1.1. South East Coast Ambulance Service NHS Foundation Trust is firmly committed to promoting an organisational culture which values diversity and equality in all aspects of its employment practices and services.
- 1.2. The Trust regards sexual harassment, harassment, bullying and victimisation as totally unacceptable forms of behaviour that will not be tolerated or condoned. The Trust is an anti-racist organisation.
- 1.3. The objective of this policy is:
 - To ensure the Trust meets its legal obligations by providing colleagues with protection from bullying, sexual harassment, harassment, and victimisation. Moreover, the intention of this policy is to prevent and reduce all forms of offensive, unacceptable, and unfair behaviour, whether or not such behaviour is unlawful.
 - To provide a work environment where all employees feel supported and equipped to challenge and report any concerns in the confidence, that they will be taken seriously and will not be victimised as a result.
 - To promote and encourage positive and supportive behaviour at work with a view to reducing the potential for conflict and complaints in relation to working relationships within the Trust.
 - To provide information on how to raise a concern and the range of support mechanisms available.
 - To ensure that all colleagues are aware of the types of behaviour which can constitute bullying or harassment and their responsibilities for preventing such behaviour.
 - To ensure that all colleagues understand that bullying or harassment is intolerable and unacceptable, and that disciplinary action may be taken against offenders.
 - Provide arrangements whereby complaints can be investigated in a manner, which recognises the sensitivity of the issues raised, and the rights of all parties.
 - Ensure that all allegations of bullying or harassment are responded to promptly and with the complainant's confidentiality protected as far as possible

2. Scope

- 2.1. The Trust recognises that it employs a diverse workforce, and there are likely to be differences in what individuals believe to be acceptable at work. However, regardless of whether an individual or group feel that a behaviour is acceptable or accepted, all Trust colleagues have the right to feel safe and supported at work and to be treated with consideration, dignity, and respect at all times. Sexual harassment, harassment, victimisation, or bullying will not

be tolerated at any level within the Trust, whether from a peer, a manager, or a subordinate.

2.2 This policy covers:

- the behaviour of colleagues on Trust business or engaged in activities relating to the Trust or providing services to the Trust in all locations and situations, including:
 - All Trust sites and any other place where colleagues are representing the Trust
 - At events such as social functions, conferences or work assignments which are related to the Trust
 - In writing, on the telephone, by e-mail, the internet or on social media platforms.

2.3. The Trust also has a duty of care where bullying or harassment has alleged to have occurred outside of the workplace. Such matters will be investigated where behaviour may adversely affect the work environment or there are concerns for the Trust's reputation. A multi-disciplinary triage must be initiated where these concerns are raised, prior to any further investigations.

2.4. All formal concerns raised under this policy will be investigated in accordance with the Trust's Grievance (Resolution) Policy and Investigation Guidance.

2.5. This policy applies equally to all colleagues regardless of their employment status e.g., permanent, fixed term, temporary, bank, volunteers, student placements, honorary placements.

2.6. Individuals engaged under agency contracts and private contractors will be expected to comply with this policy whilst working on Trust business and when communicating with colleagues, patients, service users and members of the public.

2.7 It is understood that in some service areas third party abuse or harassment from customer, clients, patients, business contacts, other NHS colleagues and those not directly employed can be common and become normalised. In addition, colleagues can become 'desensitised' to it, and it can be viewed as 'part of the job'. However, colleagues are not expected to tolerate this and are encouraged to report any third-party abuse or harassment in line with the Trust's Violence and Aggression Procedure.

2.8. The Trust recognises there will be occasions when because of a serious allegation or following a formal investigation, where behaviours demonstrated are outside of Trust expectations of reasonable standards, the Trust's Disciplinary (Managing Concerns) Policy will apply. The disciplinary response will depend upon the nature and seriousness of the incident, including aggravating factors such as abuse of power over a more junior colleague, and may result in disciplinary action up to and including dismissal.

3. Principles

- 3.1. The Trust does not underestimate the damage, tension and conflict caused, by sexual harassment, harassment, victimisation and bullying and will take active steps, in line with its duty of care, to reduce the risk in our workplace and create a safe environment for all colleagues.
- 3.2. Where incidents do occur, this may be through lack of thought or understanding, rather than deliberate action. It is also hoped that in most cases issues can be resolved sensitively, speedily, and informally with the individual being given an opportunity to correct their behaviour, with recourse to formal procedures only where this is necessary.
- 3.3. All complaints of bullying and harassment will be dealt with appropriately, objectively, promptly, sensitively, and fairly while ensuring the rights of both the complainant and the alleged perpetrator.
- 3.4. All colleagues involved in matters relating to any part of this policy are required to maintain confidentiality.
- 3.5. The Trust gives assurance that there will be no victimisation or retaliation against colleagues who make a complaint of harassment, victimisation or bullying in good faith. A complainant may face disciplinary action if it is found both that the allegation is false and made in bad faith (vexatious).
- 3.6. There may be grounds for disciplinary action where there is clear evidence that the initial concern has not been taken seriously or appropriate action to deal with a legitimate concern has not been supported.
- 3.7. Given the sensitive and complex nature of formal harassment, victimisation and bullying investigations only suitably experienced, skilled, and trained investigators will be used. Any conflicts of interest must be declared.
- 3.8. Colleagues have the right to be accompanied by their recognised Trade Union, or a workplace colleague (acting in a non-professional capacity) at any/all formal meetings.
- 3.9. All records of harassment, victimisation and bullying cases must remain confidential and kept in accordance with Data Protection legislation.

4. Definitions

- 4.1. The Equality Act 2010 makes three types of harassment unlawful. These are:

- harassment related to a 'relevant protected characteristic'
- sexual harassment
- less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.

4.2. Whether intentional or unintentional, conduct can amount to harassment or sexual harassment even if that is not how it was intended. It is the recipient's perception that determines what 'harassing behaviour is' to them. It is the effect of the behaviour and not the motives of the individual that is the determining factor.

4.3. Harassment can be carried out by individuals or groups and can equally be directed at individuals or groups.

4.4. Harassment

4.4.1. Harassment may be described as any unwanted behaviour (see Appendix A) that is unreciprocated (individuals don't need to have previously objected to it), that is found unwelcome, unreasonable, offensive, threatening, humiliating, patronising, embarrassing, or frightening where the other person's behaviour (physical, verbal, or non-verbal) is because:

- you have a relevant protected characteristic
- there is any connection with a relevant protected characteristic (for example, you are treated as though you have a particular characteristic, even if the other person knows this isn't true).

4.4.2. Colleagues may raise concerns regarding behaviour that they find offensive even if it is not directed at them. In addition, the colleague need not possess the relevant protected characteristic themselves; they can be harassed because of their association with a person who has a protected characteristic.

4.4.3. **'Relevant protected characteristics'** are: • age • disability • gender reassignment • race • religion or belief • sex, and • sexual orientation.

It also extends to political, trade union or other opinion or belief, national or social origin, association with a minority, domestic circumstances, property, birth, or other status if it is unreciprocated or unwanted and affects the dignity of men, women, and transgender people.

There are no specific laws in the Equality Act 2010 that cover harassment in relation to pregnancy and maternity or to marriage or civil partnership. However, colleagues should refer to the Equality, Diversity and Inclusion Policy should they feel they have been subjected to hostile, intimidating, humiliating, degrading or offensive treatment.

- 4.4.4. Individuals are protected from harassment both while applying for a job, while in employment and in some circumstances after the working relationship has come to an end.

4.5. **Sexual Harassment**

- 4.5.1. The Equality Act 2010 defines sexual harassment as unwanted conduct of a sexual nature; related to sex or gender reassignment which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The conduct need not be sexually motivated, only sexual in nature.

- 4.5.1. Sexual harassment also applies where the worker is treated less favourably because they submitted to or rejected the unwanted conduct.

4.6 **Victimisation**

- 4.6.1. Victimisation refers to unfair or less favourable treatment of a colleague because, in good faith, they:

- make a claim or complaint of discrimination (under the Equality Act)
- help someone else to make a claim by giving evidence or information
- allege that someone else has breached the Equality Act
- make a protected disclosure under Whistleblowing. Please refer to the Trust's Raising Concerns at Work (Whistleblowing) Policy.
- Undertake Union activities (Trade Union and Labour Relations (Consolidation) Act 1992) including raising any Health and Safety concerns. There is also protection against victimisation on the basis of their membership or non-membership of a trade union.

This applies whether or not the complaint or allegation is upheld.

4.7. **Bullying**

- 4.7.1. Bullying is not always immediately obvious and can take many forms that may vary over time to avoid detection. Unlike harassment, bullying behaviour need not necessarily be based on specific grounds (e.g., sex, race, disability, age, etc) but refers to repeated, persistent unwelcome behaviour over a period of time.

- 4.7.2. As with harassment it is not the intention of the perpetrator that is key to deciding whether bullying has taken place.

- 4.7.3. Bullying may result from:

- the misuse of power or position, actioned by a person in authority towards a more junior colleague(s).
- A junior colleague(s) towards a more senior employee, a manager or the Trust (this can be called 'upward bullying' or 'subordinate bullying').

4.7.4. Forms of bullying may include:

- humiliating or ridiculing behaviour
- offensive or abusive personal remarks
- display of or sending offensive letters or publications
- threatening, sadistic or aggressive behaviour
- criticism in public or private that is designed to humiliate
- singling out one person for criticism where there is a common problem
- sharing critical or inappropriate information about an individual
- withholding information to deliberately affect a colleague's performance
- exclusion from meetings and day to day discussions, or from social interaction
- intentionally blocking promotion or training opportunities
- setting unmanageable workloads, deadlines or targets
- constantly changing work deadlines, guidelines or areas of responsibility to cause someone to fail
- claiming credit for someone else's work
- making threats about job security

This list is not exhaustive

4.7.5. **Cyber Bullying:** This can be done online, through email, text or any communication device, or on social media platforms such as Facebook, Twitter, LinkedIn and other networking sites, and includes:

- offensive or harassing emails
- posting private details about someone online
- threats, offensive messages sent through SMS Text Message or any online messaging service

See the Social Media Policy

4.8. **Bad faith:** To raise an allegation in bad faith is to do so dishonestly, maliciously, negligently or with the intention to deceive or mislead.

4.9. **Facilitated Conversation and Mediation:** a process of working together with a neutral person who helps the people involved to have a constructive discussion about an issue without taking any side of the argument. The facilitator seeks to help the people involved to communicate effectively about the issue(s), to make progress and to reach agreement on a way forward. The role of a facilitator or mediator is to keep the discussion on track, to encourage participation by all participants, to maintain a constructive tone, and to summarise areas of agreement or disagreement, which enables the parties to find a solution to the issue. Facilitated conversation and mediation can only be progressed with the agreement of both parties.

5. Responsibilities

- 5.1. **The Trust Board** - The Board will demonstrate leadership in ensuring that the Trust effectively works towards reductions in incidences of harassment, victimisation or bullying and have overall responsibility for monitoring the outcomes of this policy. Executive lead responsibility will rest with the Executive Director of HR & OD.
- 5.2. **All Colleagues** - Everyone has a personal responsibility to comply with the Equality Act 2010 and the Trust's Equality, Diversity, and Inclusion Policy. All colleagues are required to attend the Trust's mandatory Equality and Diversity training programme. The Trust expects all colleagues to:
- Carry responsibility for their own behaviour, ensuring that poor conduct does not occur and the Trust Values of, Respect, Trust, Compassion, and Integrity are demonstrated.
 - Raise all actual or perceived acts of sexual harassment, harassment, victimisation or bullying at the earliest opportunity, whether as the receiver or as an observer.
 - Report concerns involving external third parties via the Trust's Incident Reporting System in accordance with the Trust's Violence and Aggression Procedure.
 - Appropriately adjust their behaviour should it be brought to their attention that it is unwanted or offensive.
 - Co-operate with any measures aimed at reducing incidences of harassment, victimisation or bullying at work.
- 5.3. **Line Managers** – The Trust requires all line managers to have a key role in supporting and implementing this policy by:
- Being role models, ensuring their own behaviour is beyond reproach and act in ways to maintain the dignity of all colleagues.
 - Actively and regularly promoting the aims of this policy, ensuring that colleagues are aware of the expected behaviours and Trust Values.
 - Taking complaints seriously and taking prompt and supportive action as soon as a concern is raised.
 - Ensuring they do all they can to protect colleagues from sexual harassment, harassment, victimisation and bullying in all circumstances.

- Seeking support from HR, Inclusion or the staff equality networks to aid their own understanding of why a behaviour may be unacceptable to an individual.
- Declare any conflicts of interest or involvement in a concern at the point that it is notified.
- Aiming to achieve informal resolutions, wherever possible, utilising facilitated conversations or mediation, as appropriate.
- Providing ongoing support to all parties, prioritising the wellbeing of all involved which may also include a temporary movement of a colleague or other Trust provisions.

5.4. **Human Resources and Trade Union Representatives** - Both HR and Trade Union representatives have key roles in supporting and advising all parties in the resolution of concerns and allegations and helping to maintain consistency by:

- Providing support and guidance on the implementation and application of this policy.
- Working with managers and colleagues to identify appropriate mechanisms and interventions needed to satisfactorily resolve matters of this nature.
- Supporting the monitoring of the application of this policy and to update it as required.
- Supporting investigation of formal complaints.

6. **Personal Relationships at Work**

- 6.1. The Trust recognises that colleagues who work together may in some cases form friendships, romantic relationships or already be related to each other.
- 6.2. It is expected that colleagues keep their work and personal life separate, and to stay professional both when things are going well or if the relationship breaks down and ends.
- 6.3. Colleagues who are in a personal relationship at work are still expected to participate in a work environment that is professional and free of bullying and harassment.
- 6.4. For further information and guidance please refer to the Relationship at Work Policy.

7. Fair and Appropriate Management

- 7.1. Managers are responsible for legitimate, justifiable and appropriate monitoring and management of a colleague's behaviour or work performance.
- 7.2. It is reasonable to expect a manager to carry out these functions in a fair and supportive manner, and it is acknowledged that some colleagues may feel anxious while the procedures are on-going. However, carrying out these functions in an appropriate way does not constitute an act of bullying or harassment.

8. Deciding on a Course of Action

- 8.1. There are different options open to a colleague who feels they have been harassed or bullied. It is for the colleague to decide the best course of action to take. If a colleague is unsure of how to proceed, they are encouraged to seek advice from a manager, HR representative or Trade Union representative. Alternatively, individuals can contact the Trust's confidential bullying & harassment line 01622 740561 for impartial support.

9. Informal Resolution

- 9.1. It may be possible to rectify matters informally in some cases where colleagues feel they may have been or are being bullied or harassed. People are often unaware that their behaviour is unwelcome. At an early-stage colleagues are encouraged to tell the person responsible that their behaviour is unwelcome, that it is causing them distress and to ask them to stop. Alternatively, they may find it easier to write to them. They may find that keeping a written record may help.
- 9.2. If the harassment or bullying continues or the colleague feels unable to speak or write to the person directly, informal resolution of matters can sometimes be best achieved through timely dialogue with their manager. If their manager is the alleged harasser or if they do not wish to raise the issue with their manager, then they should speak to a more senior manager.
- 9.3. At this stage the manager will try to resolve the situation informally using several different options. These could include the manager:
 - speaking to the alleged harasser directly about the concern
 - arranging a meeting where both parties come together with the manager, another manager or HR representative for a facilitated conversation, where appropriate.
 - Arranging mediation with a Trust recognised accredited mediator.

- 9.4. There are provisions within the Trust's Raising Concerns at Work (Whistleblowing) Policy to alert others to poor behaviours in the workplace, where the interests of others or of the Trust itself are at risk; and where you have no direct personal interest in the issues being raised.

10. Formal Resolution

- 10.1. A formal request for resolution should be made via the Trust's Grievance Policy where either:
- the informal procedure is exhausted
 - the matter is considered too serious
 - the colleague does not wish to deal with the matter informally
- 10.2. A manager may suggest supporting informal resolution where a colleague raises a formal concern without having initially tried to resolve the situation informally.
- 10.3. The individual(s) about whom the issues are raised and their manager, if different, must be informed of the nature of the complaint lodged against them.
- 10.4. Appropriate support should be provided to both parties, see section 11.
- 10.5. In some cases, there is a risk to the complainant or their colleagues, or to the integrity of the investigation. In such cases consideration will be given to urgent and temporary actions:
- adjustment to duties
 - adjustment to work pattern
 - adjustment to work location
 - suspension from duty
- 10.6. This will be pending a fuller review or investigation. This will be based on individual circumstances, as opposed to organisational pressures and will be in line with the Trust's Suspension from Duty, Restriction in Practice, Work Pattern or Work Location process.
- 10.7. Formal investigations will be carried out in accordance with the Trust's Grievance Policy and with minimum delay.

11. Support

- 11.1. Harassment, victimisation, and bullying can have far-reaching detrimental consequences for individuals, including observers, by adversely affecting their confidence, health, self-esteem, which in turn can affect job performance and personal relationships. Effects vary from person to person and can be physical, emotional, mental, or behavioural.

- 11.2. Line Managers are responsible for arranging regular contact with colleagues affected by bullying and harassment to ensure that they are supported appropriately. Support and guidance should be offered to the complainant, those accused of bullying or harassment and any observers. This can be arranged through their line manager, HR Department, Wellbeing Hub, Occupational Health, Freedom to Speak up Guardian or Trade Union representatives.
- 11.3. Both parties should be simultaneously kept informed about the progress of the investigation.

12. Outcome of the Investigation

- 12.1. Where the hearing manager, with HR support, is satisfied that there is objective evidence to support the allegation that bullying, harassment or victimisation has taken place, outcomes of the investigation will include, either:
- A request for resolution will be made to the Multi-Disciplinary panel to decide whether a disciplinary hearing in-line with the Trusts Disciplinary Policy is required.
 - or
 - A decision to deal with the matter informally because it is not sufficiently serious to warrant formal disciplinary action or where it is recommended that support and learning are appropriate actions to be put in place. This could include an apology, reassurance of no repeated behaviours, reflection of personal learning, guidance, training, or wellbeing support as appropriate. Learning or actions recommended as part of the findings should be documented on an Action Plan.
- 12.3. Where the investigation concludes that the complaint is not upheld due to lack of evidence, no further action is appropriate. The expectation would be that colleagues will remain in or return to their substantive position/area.
- 12.4. Both parties will be informed of the outcome of the investigation with a summary of the findings, verbally and in writing at a feedback meeting. The full findings of the formal investigation will only be shared with the complainant should there be a case to be heard at a formal disciplinary hearing.
- 12.5. The complainant will have the right to appeal against the outcome of the formal investigation in accordance with the appeal process set out in the Grievance Policy. There will be no further right to appeal.
- 12.6. In all cases (whether or not a complaint has been substantiated) facilitated conversation or mediation may be suggested, if appropriate. Where it has become apparent from the investigation that poor standards of behaviour have become the norm within the workplace, it may be necessary to re-affirm

standards more broadly for example, within a unit through team briefing or training for example. The Human Resources Team will be able to help further in these situations.

13. Training Needs

There is a need for training identified within this policy which relates to behaviours and equality and diversity. Mandatory equality and diversity training for all staff takes place every three years in accordance with the NHS Core Skills Training Framework (CSTF) delivered by eLearning. Additional anti-harassment training for managers included in the Trust's management and leadership development framework 'Made@secamb'.

14. Monitoring Compliance

- 14.1. The HR department is responsible for collating information on the incidences of sexual harassment, harassment and bullying and providing regular updates to the Trust Board via the established equality and diversity reports.
- 14.2. The Trust will monitor the implementation of this policy to ensure reductions in incidences and improvements in the effective handling of incidences as they arise.

15. Audit and Review (evaluating effectiveness)

- 15.1 This policy will have its effectiveness audited by the HR Working Group at regular intervals, and initially six months after a new policy is approved and disseminated.
- 15.2 Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).
- 15.3 This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from employees indicates that the policy is not working effectively.
- 15.4 All changes made to this policy will go through the governance route for development and approval as set out in the Policy on Policies.

16. Associated Trust Documents

- Grievance Policy
- Freedom to speak up: Raising Concerns (whistleblowing) Policy
- Disciplinary Policy
- Domestic Abuse in the Workplace Policy

- Equality, Diversity & Inclusion Policy
- Social Media Policy
- Relationships at Work Policy
- Violence and Aggression Policy

17. References

Current statutory legislation that is relevant includes:

- The Equality Act (EA) 2010
- The Employment Rights Act 1996
- Protection from Harassment Act 1998
- Equality and Human Rights Commission (2018), 'Turning the tables: ending sexual harassment at work'
- Equality and Human Rights Commission (2020), 'Sexual harassment and harassment at work'
- Trades Union Congress (2016), 'Still just a bit of banter? Sexual harassment in the workplace in 2016'
- Trades Union Congress (2019), 'Sexual harassment of LGBT people in the workplace'
- Trades Union Congress (2016-2017), 'Racism Ruins Lives'
- Social Partnership Forum Creating a culture of civility, compassion and respect in the NHS
- Trade Union and Labour Relations (Consolidation) Act 1992

18. Financial Checkpoint

- 18.1 This document has been confirmed by Finance to have financial implications and the relevant Trust processes have been followed to ensure adequate funds are available.

19. Equality Analysis

- 19.1 The Trust believes in fairness and equality, and values diversity in its role as both a provider of and as an employer. The Trust aims to provide accessible services that respect the needs of each individual and exclude no-one. It is committed to comply with the Human Rights Act and to meeting the Equality Act 2010, which identifies the following nine protected characteristics: Age, Disability, Race, Religion and Belief, Gender Reassignment, Sexual Orientation, Sex, Marriage and Civil Partnership and Pregnancy and Maternity.
- 19.2 Compliance with the Public Sector Equality Duty: If a contractor carries out functions of a public nature then for the duration of the contract, the contractor or supplier would itself be considered a public authority and have the duty to comply with the equalities duties when carrying out those functions.

Appendix A

Harassment Definitions

Some examples are provided below but it must be recognised that many forms of behaviour can constitute harassment.

Sexual Harassment

- Unwelcome sexual advances and propositions
- Physical contact such as the invasion of personal space and unnecessary touching/ closeness unwelcome touching, hugging, massaging, or kissing through to rape and sexual assault
- Asking questions of a sexual nature
- Jokes, gestures, and language of a lewd/sexual nature
- Comments regarding an individual's appearance or body
- Displaying sexually suggestive or sexually explicit material in the workplace or circulating such material in emails or social media platforms
- Requests for sexual favours
- Office gossip, spreading rumours or detrimental speculation about private sexual activities
- Threatened or actual sexual violence
- Treating a person less favourably because they have rejected, or submitted to, unwanted conduct that is related to sex or is of a sexual nature (including blocking promotion and refusal of training or other development opportunities)
- Suggestive looks, staring or leering
- Intrusive questions about a person's private or sex life or a person discussing their own sex life
- Sexual posts or contact on social media

NB This list is not exhaustive

Racial Harassment

- Any incident which is perceived to be racist by the victim or any other person
- Refusing to work with someone or deliberately isolating them because of their race, colour, nationality, or ethnic origin
- Displaying racially offensive material including graffiti, graphics, slogans, or logos that have racial undertones
- Racist jokes, banter, insinuations, insults, and taunts
- Verbal and physical abuse/attacks on individuals because of their race, colour, nationality, or ethnic origin
- Assaults motivated by race, colour, ethnic or national origins
- Using language that is offensive or derogatory on the basis of race, or making racist remarks to or about a person
- Being condescending or deprecating about dress, appearance, or speech.

NB This list is not exhaustive

Racial Harassment and micro-aggressions

Racial harassment can take many forms from overt and explicit derogatory comments to covert, subtle, nuanced acts, known as micro-aggressions. Racial harassment is offensive behaviour and any other form of verbal, written or physical abuse based on the grounds of a person's race, ethnicity, nationality, or skin colour.

Harassment on the Grounds of Sexual Orientation

- Homophobic or biphobic comments, jokes and name-calling made generally or to/about a person based on their sexual orientation, or that of their partner or any relative
- Dissemination of homophobic or biphobic materials
- Repeated references to a person's sexual orientation
- Spreading perceptions/rumours about somebody's sexual orientation, either actual or perceived
- Outing a person without their consent or spreading rumours
- Prejudiced views
- Excluding a person from conversation and activities because of their sexual orientation
- Excluding a same sex partner when opposite sex partners are included
- Intrusive questioning about an individual's personal or sex life
- Offensive actions and gestures or physical attack
- Homophobic or biphobic remarks or banter

NB This list is not exhaustive

Harassment on the Grounds of Religion

- Making remarks about religions generally and their practices or specifically mocking a person's religious beliefs
- Making unwanted comments on dress
- Making it unnecessarily difficult for people to conform to their religious beliefs
- Exacerbating or causing arguments over religious differences between religious groups or people following particular faiths
- Gossiping/chatting about a person's religious views or beliefs
- Excluding a person because of their religious views or beliefs, or treating somebody differently because of their views
- Sectarian views, beliefs, and violence
- Displaying symbolism and slogans that are offensive or could be interpreted as offensive

NB This list is not exhaustive

Harassment on the grounds of gender identity (including transgender and non-binary)

- Transphobic or bi-phobic comments, jokes and name-calling

- Refusing to treat a person as the gender they identify
- Failing to address a person by their preferred name and correct gender pronouns
- Denying people access to the appropriate single sex facilities such as changing rooms
- Outing a person as transgender without their consent or spreading rumours
- Intrusive questioning

NB This list is not exhaustive

Harassment of Colleagues with Disabilities

- Asking inappropriate questions about a person's impairment such as how it occurred and what it is like to be disabled
- Name calling, jokes, taunts and use of offensive language
- Assuming or speculating that they don't have a social, sexual, or private life
- Assuming or speculating that a physical disability means that the individual is inferior
- Assuming or speculating that a mental disability means that the individual lacks intelligence
- Banter relating to the disability of a person, or mocking a person with a disability
- Excluding a person because of their disability
- Using upsetting words about, or being offensive when describing, a person's disability, or when generally describing the person
- Staring and/or uninvited touching
- Speaking to others rather than to the disabled person directly
- Physical abuse or intimidation
- Treating a colleague with a previous history of mental health difficulties as a 'patient'

NB This list is not exhaustive

Age Harassment

- Derogatory comments relating to age made to or about a person
- Ageist jokes
- Assumptions about a person based on their age
- Being dismissive towards a person because of their age
- Excluding a person from work social events because of their age
- Banter relating to the decline of a person's physical/mental abilities on account of age
- Banter relating to the age of a person's partner, such as an older or a younger partner

NB This list is not exhaustive

Equality Impact Assessment

Name of author and role	HR Policy & ER Manager		
Directorate	HR & OD	Date of analysis:	
Name of policy being analysed	Dignity at Work (Anti-Harassment, Victimisation and Bullying) Policy		
Names of those involved in this EA			

1. Trust policies and procedures should support the requirements of the Equality Duty within the Equality Act:	<ul style="list-style-type: none"> • Eliminate discrimination, harassment and victimisation; • Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; • Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. 	In submitting this form, I confirm that I have taken all reasonable steps to ensure that the requirements of the Equality Duty are properly considered.
2. When considering whether the processes outlined in your document may adversely impact on anyone, is there any existing research or information that you have taken into account?	<p>For example:</p> <ul style="list-style-type: none"> • Local or national research • National health data • Local demographics • SECamb race equality data • Work undertaken for previous EAs 	<p>If so, please give details:</p> <p>Equality & Human Rights Commission – Sexual Harassment and Harassment at Work</p> <p>Turning the Tables – Ending sexual harassment at work</p> <p>Tackling bullying & harassment in the NHS</p> <p>Equality and Human Rights Commission (2020), ‘Sexual harassment and harassment at work’ Trades Union Congress (2016), ‘Still just a bit of banter? Sexual harassment in the workplace in 2016’ While sexual harassment can be perpetrated by both men and women, evidence shows that women are most often the targets. Research found that 52 per cent of women had experienced unwanted behaviour at work, with 63 per cent of young</p>

		<p>women aged 16–24 experiencing this.</p> <p>Social Partnership Forum Creating a culture of civility, compassion and respect in the NHS</p> <p>Trades Union Congress (2019), 'Sexual harassment of LGBT people in the workplace'. The Survey revealed that nearly 68 per cent of LGBT people who responded had been sexually harassed at work. Evidence from a number of studies echoes these findings and shows that LGBT people suffer much higher levels of bullying and harassment (more broadly than just sexual harassment) at work than heterosexual people: twice as high for gay and bisexual men or four times as high for LGBT people as a whole.</p> <p>Pregnancy and maternity discrimination research found that one in five mothers said they had experienced harassment or negative comments related to pregnancy or flexible working at work.</p> <p>Trades Union Congress (2016-2017), 'Racism Ruins Lives' found two-thirds (65 per cent) of all ethnic minority participants reported having experienced racial harassment at work in the last five years, while 49 per cent said they had been treated unfairly by their employer because of their race.</p> <p>WDES (2020) 26.3% of disabled staff reported bullying or harassment in the last year</p> <p>NHS Staff Survey (2020) BME staff are more likely to experience bullying or harassment.</p>
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		SECAmb Employee Relations and WRES and WDES data	
3. Do the processes described have an impact on anyone’s human rights?	If so, please describe how (positive/negative etc): n/a		
4. What are the outcomes of the EA in relation to people with protected characteristics?			
Protected characteristic	Impact Positive/Neutral/Negative	Protected characteristic	Impact Positive/Neutral/Negative
Age	Neutral The policy is designed to communicate a standardised approach to addressing inappropriate standards of behaviour to ensure staff are treated equally and consistently. The policy when applied correctly gives no potential for disadvantage.	Race	Neutral The policy is designed to communicate a standardised approach to addressing inappropriate standards of behaviour to ensure staff are treated equally and consistently. The policy when applied correctly gives no potential for disadvantage.
Disability	Neutral The policy is designed to communicate a standardised approach to addressing inappropriate standards of behaviour to ensure staff are treated equally and consistently. The policy when applied correctly gives no potential for disadvantage.	Religion or belief	Neutral The policy is designed to communicate a standardised approach to addressing inappropriate standards of behaviour to ensure staff are treated equally and consistently. The policy when applied correctly gives no potential for disadvantage.
Gender reassignment	Neutral The policy is designed to communicate a standardised approach to addressing inappropriate standards of behaviour to	Sex	Neutral The policy is designed to communicate a standardised approach to addressing inappropriate standards of behaviour to

	ensure staff are treated equally and consistently. The policy when applied correctly gives no potential for disadvantage.		ensure staff are treated equally and consistently. The policy when applied correctly gives no potential for disadvantage.
Marriage and civil partnership	Neutral The policy is designed to communicate a standardised approach to addressing inappropriate standards of behaviour to ensure staff are treated equally and consistently. The policy when applied correctly gives no potential for disadvantage.	Sexual orientation	Neutral The policy is designed to communicate a standardised approach to addressing inappropriate standards of behaviour to ensure staff are treated equally and consistently. The policy when applied correctly gives no potential for disadvantage.
Pregnancy and maternity	Neutral The policy is designed to communicate a standardised approach to addressing inappropriate standards of behaviour to ensure staff are treated equally and consistently. The policy when applied correctly gives no potential for disadvantage.		
5. Mitigating negative impacts: None identified			
If any negative impacts have been identified, an Equality Analysis Action Plan must be completed and attached to the EA Record. A template for the action plan is available in the Equality Analysis Guidance on the Trust's website. Please contact inclusion@secamb.nhs.uk for support and guidance.			
Protected characteristic:		Issue identified:	
Action required:			
Action lead:			
How will impact/outcome be measured?		Timescale:	

Resolution of actions:	
EA Sign off	
EA checkpoint (Inclusion Working Group member, preferably from your Directorate)	Programme Lead EDI
By signing this, I confirm that I am satisfied the EA process detailed on this form and the work it refers to are non-discriminatory and support the aims of the Equality Act 2010 as outlined in section 1 above.	
Signed:	Date: 21/06/2022

20. Quality Impact Assessment

Summary Quality Impact Assessment Form

Policy title	Dignity at Work (Anti-Harassment, Victimisation and Bullying) Policy
Author	HR Policy Manager
Responsible management group	HR Working Group
Accountable Director	Director of HR & OD
Date undertaken	

The impact on Patient Safety after the change has occurred	<p>Consider the following:</p> <ul style="list-style-type: none"> - What is the impact on partner organisations and any aspect of shared risk? - Will this impact on the organisations duty to protect children, young people and adults? - Impact on patient safety? - Impact on preventable harm? - Will it affect the reliability of safety systems? - How will it impact on systems and a process for ensuring that the risk of healthcare acquired infections to patients is reduced? 	
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	<ul style="list-style-type: none"> - What is the impact on clinical workforce capability care and skills? 	
The impact on Clinical Effectiveness after the change has occurred	<p>Consider the following:</p> <ul style="list-style-type: none"> - How does it impact on implementation of evidence based practice? - How will it impact on clinical leadership? - Does it reduce / impact on variation in care provision? - Does it impact on ensuring that care is delivered in most clinically and cost effective setting? - Does it eliminate inefficiency and waste by design? - Does it lead to improvements in care pathway? 	
The impact on Patient Experience after the change has occurred	<p>Consider the following:</p> <ul style="list-style-type: none"> - What is the impact on race, gender, age, disability, sexual orientation, religion and belief for individual and community health, access to services and experience? - What impact is it likely to have on self-reported experience of patients and service uses? (response to national / local surveys / complaints / PALS / incidents) - How will it impact on the choice agenda? - How will it impact on the compassionate and personalised care agenda? 	
The impact on Staff Experience after the change has occurred	<p>Consider the following:</p> <ul style="list-style-type: none"> - Staff satisfaction - Staff turnover / absentee rate - Bank and agency staff level 	

	- Equality impact on staff	
Other (including impact on Trust reputation, regulatory requirements and local health economy impact)	<p>Consider the following:</p> <ul style="list-style-type: none"> - Any impact on the reputation of the Trust - Any impact on the Trust's regulatory requirements - Any impact on the local health economy e.g. CCGs, acute providers 	
Mitigations	<p>Detail any actions put in place / to put in place to ensure that potential risks are managed or monitored to ensure appropriate action is efficiently taken.</p> <p>Consider the impact on the wider health economy and if any external stakeholders need to be engaged in the change to mitigate any risk, e.g. CCGs, acute providers</p>	